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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,638	04/01/2004	Toru Nakao	Q80668	8412

7590 10/05/2005  
SUGHRUE MION, PLLC  
2100 Pennsylvania Avenue, N.W.  
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EXAMINER

OLSON, JASON C

ART UNIT PAPER NUMBER

2651

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/814,638	Applicant(s) NAKAO ET AL.	
	Examiner Jason C. Olson	Art Unit 2651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1,3,5,7,9,11,12,15,17 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,4,6 and 8 is/are rejected.
- 7) ☒ Claim(s) 10,13,14,16 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/01/04</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of Species II, claims 2, 4, 6, 8, 10, 13, 14, 16, 18, and 20 in the reply filed on 07/13/05 is acknowledged.

Claims 1, 3, 5, 7, 9, 11, 12, 15, 17, and 19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 07/13/05.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernard et al. (US 3,869,711), here after Bernard and Albrecht et al. (US 5,689,384), hereafter Albrecht.

Regarding claim 2, Bernard teaches a first magnetic head (see figure 1, item 24) that slides in contact with a magnetic tape (see figure 1, item 16) that is running, and magnetizes the magnetic tape in one direction of longitudinal directions thereof (see col. 3, ln. 3-8 and figure 2, item 26); a second magnetic head that is provided at a downstream side of a magnetic tape travel direction of the first magnetic head (see figure 1, item 26), slides in contact with said magnetic

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tape that is running (see figure 2, item 26), magnetizes the magnetic tape in a reverse direction and writes a signal (see col. 3, ln. 13-20); and a guide for regulating a movement in lateral directions of said magnetic tape that is running (see figure 3, item 10; the drum acts as a tape guide), wherein the first head and the second head are integrally configured, and said guide is provided between the first head and the second head (see figures 1 and 2, items 24, 26, and 10). Bernard fails to teach that the first head is a DC demagnetizing head that magnetizes or erases at least a servo band and that the second head is a servo write head that writes servo signals on the servo band, however, Albrecht is relied upon to teach a DC demagnetizing head that magnetizes or erases at least a servo band (see col. 22, ln. 56-58 of Albrecht; it is obvious to an artisan in the art that if the tape is DC-erased, a DC demagnetizing head is used) and that the second head is a servo write head that writes servo signals on the servo band (see col. 22, ln. 58-65 of Albrecht). It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon demagnetizing and magnetizing a magnetic tape of Bernard by applying the teaching of DC-erasing and servo writing as taught by Albrecht for the purpose of as stated by Albrecht is column 22, lines 62-65).

Regarding claim 4: claim 4 has limitations similar to those treated in the above rejection, and is met by the references as discussed above. Claim 4 however also recites the following limitations as taught by Bernard: a magnetic tape running system that sends a magnetic tape out of a supply reel (see figure 1, item 18), and winds the magnetic tape with a winder (see figure 1, items 20 and 22), thereby running the magnetic tape (see figures 1 and 2).

Regarding claims 6 and 8, the combination of Bernard and Albrecht teach all the limitations of claims 2 and 4 above. The combination is further relied upon to teach the guide is

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comprised of a roller portion and a flange formed in said roller portion (see figure 3, item 10 of Bernard; it can be seen that the roller comprises a flange), wherein said roller portion holds down a surface of said magnetic tape with circumferential surfaces thereof, and wherein said flange holds down side edges of said magnetic tape that is running (see figure 1 and 2 of Bernard).

*Allowable Subject Matter*

Claims 10, 13, 14, 16, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason C. Olson whose telephone number is (571)272-7560. The examiner can normally be reached on Monday thru Thursday 7:30-5:30; alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Hudspeth can be reached on (571)272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JCO  
September 20, 2005



  
DAVID HUDSPETH  
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